

UNITED STATES DISTRICT COURT

for the
District of South Carolina

Jason Robert Barner

Petitioner

v.

Kenny Atkinson, Warden

Respondent

Civil Action No. 1:11-cv-01534-RMG

JUDGMENT IN A CIVIL ACTION

The court has ordered that (*check one*):

☐ the petitioner (*name*) _____ recover from the respondent (*name*) _____ the amount of _____ dollars (\$___), which includes prejudgment interest at the rate of ____ %, plus postjudgment interest at the rate of ____ %, along with costs.

☐ the petitioner recover nothing, the action be dismissed on the merits, and the respondent (*name*) _____ recover costs from the petitioner (*name*) _____.

☒ other: the petitioner, Jason Robert Barner, shall take nothing of the respondent, Kenny Atkinson, as to the petition filed pursuant to 28 U.S.C. § 2254 and this action is dismissed with prejudice for lack of prosecution.

This action was (*check one*):

☐ tried by a jury, the Honorable _____ presiding, and the jury has rendered a verdict.

☐ tried by the Honorable _____ presiding, without a jury and the above decision was reached.

☒ decided by the Honorable Richard M. Gergel, United States District Judge, presiding, accepting the Report and Recommendations set forth by the Honorable Shiva V. Hodges, United States Magistrate Judge, which dismissed the petition for lack of prosecution.

Date: February 3, 2012

CLERK OF COURT

s/A. Buckingham

Signature of Clerk or Deputy Clerk